

# final minutes

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## **Criminal Justice Policy Commission Meeting**

9:00 a.m. • Wednesday, August 2, 2017

Senate Appropriations Room • 3<sup>rd</sup> Floor State Capitol Building

100 N. Capitol Avenue • Lansing, MI

### **Members Present:**

Senator Bruce Caswell, Chair  
Stacia Buchanan  
Representative Vanessa Guerra (via teleconference)  
D. J. Hilson  
Kyle Kaminski  
Sheryl Kubiak  
Barbara Levine  
Sarah Lightner  
Sheriff Lawrence Stelma  
Jennifer Strange  
Judge Paul Stutesman  
Andrew Verheek  
Judge Raymond Voet

### **Members Excused:**

Senator Patrick Colbeck  
Senator Bert Johnson  
Laura Moody  
Representative Jim Runestad

### **I. Call to Order and Roll Call**

The Chair called the meeting to order at 9:00 a.m. and asked the clerk to take the roll. A quorum was present, and absent members were excused.

### **II. Approval of July 5, 2017 Meeting Minutes**

The Chair asked members if there were any corrections to the proposed July 5, 2017 CJPC meeting minutes. There were none. **Commissioner Lightner moved, supported by Commissioner Verheek, to approve the minutes of the July 5, 2017 meeting as proposed. There was no further discussion. The minutes were approved by unanimous consent.**

### **III. Progress Update from Hornby Zeller Associates, Inc. on Study of County Costs to Redirect 17-Year-Olds to Juvenile Justice System**

Karen Hallenbeck from Hornby Zeller Associates, Inc. provided a progress report on their efforts on data collection. She reported that the online survey was conducted and they had a 36% response rate from the sheriffs, a 46% response rate from the prosecuting attorneys, and a 47% response rate from the courts. She noted that they will use the data they collected in these surveys to determine which counties to conduct on-site data collection. She explained that the data are preliminary and their intent was to use the data to get a better understanding of each system and its complexity for when they conduct the on-site data collection visits. Ms. Hallenbeck then responded to Commissioner Kubiak's inquiry about sampling. She also distributed a proposed list of counties for on-site data collection (see attached to these minutes) and asked for input as they plan to begin the on-site visits the week of August 21. Commissioner Levine asked if they were getting any input from the defense bar, and Ms. Hallenbeck responded that they will. The Chair inquired about the level of cooperation from the DHHS. Ms. Hallenbeck concluded with an update of the data they have received from various sources.

### **IV. Status Update of Recommendation to the Legislature for Uniform Jail Management System**

#### **a. Presentation from Sheriff Blaine A. Kōōps (Ret.), CEO/Executive Director, Michigan Sheriffs' Association**

The Chair called on Sheriff Blaine A. Kōōps (Ret.), CEO/Executive Director, Michigan Sheriffs' Association, who provided a presentation on the uniqueness of the data elements available within the county jail management systems that are designed to manage the jail population. He also shared information he acquired about APPRISS while he attended the National Institute of Corrections/Jail Statistical Data Annual Conference and noted that the Michigan Sheriffs' Association supports striving to get a statewide system, but he strongly suggested that it be designed to extract the data as the individual jails do not have the resources to perform any extra work. A period of question and answer followed. In response to a question raised by Chair Caswell, Sheriff Kōōps suggested the State stick with APPRISS, or another product that is being developed at the national level, initially to extract the data elements needed as it would be a daunting and expensive task for the State to do it. He will get information about this other product to Commissioner Kubiak (the Chair asked that he send it to the clerk for distribution to all

Commission members). The issues of standardizing and collecting data elements were also discussed. Sheriff Kōōps commented that the Michigan Sheriffs Commission on Correctional Standards and the statewide probation and parole system might also be good resources for information. Commissioner Kaminski noted that data are available in the probation and parole system; however, it would take some work to convert it from a narrative form to a useful format that could be used for data analysis. Sheriff Kōōps and Commissioner Stelma will work with the Data Subcommittee to discuss and prepare a recommendation for a Uniform Jail Management System for the Commission to consider.

**b. Priority List Update**

The Chair delayed the discussion of this agenda item.

**V. Data Subcommittee Update**

**a. Presentation by Kevin Jones DOC Probation/Parole**

Judge Stutesman introduced Kevin Jones who was one of his presentence report writers. Mr. Jones provided an overview of what is involved in writing a presentence report, its use as a tool for not only the sentencing judge, but also the Department of Corrections, and the issues he runs into in collecting data to use in preparing a presentence report. Judge Stutesman then provided a detailed explanation of a sample presentence report. Commissioner Levine inquired about the COMPAS chart's usefulness and Judge Stutesman responded that he does not use it at all. Commissioner Kaminski noted its inclusion is not to drive the in or out decision but is mainly used to determine the needs of the individual when he or she is on probation. Commissioner Levine had additional questions about other parts of the presentence report.

**b. Data Subcommittee Update**

The Data Subcommittee had no other update to report.

**VI. Bail Bond Reform Subcommittee Update**

**Proposed Recommendation Discussion**

Commissioner Hilson presented a rewrite of the proposed subcommittee recommendation:

Pre-trial detention practices and trends are being reviewed and evaluated on a national level. Nationally, evidence exists to support an abuse of pre-trial detention as well as evidence where pre-trial detention should have been used but was not, which lead to an unintended consequence. The Criminal Justice Policy Commission recommends to the legislature to review and evaluate the current bail/bond practices in the State of Michigan to assist in determining whether or not pre-trial detention is being abused by our State Courts. One goal of this evaluation should be to make sure that pre-trial detention is being used to ensure that a defendant will appear at all court proceedings and to protect both public safety and victims. Another important goal of this evaluation should be to determine what factors courts are using to determine bail, whether courts are using the required factors the rules provide, and what if any of those factors need to be removed, modified, or added to ensure a defendant's right to a fair bond determination. The Commission recognizes that a universal method of collecting this data does not exist and that the important data points to help properly evaluate this system have not been identified. Therefore, the Commission recommends that the legislature either assist in putting in place a system to identify the pertinent data points and a universal mechanism to collect it or provide this Commission or like entity the resources to answer those questions.

A discussion of the proposed recommendation followed. Commissioner Stelma felt the first two sentences tend to take a political stand, and he preferred that language be deleted. Commissioner Hilson explained why the language was included, and Judge Voet offered that he supports language that says there could be a problem, the legislature needs to look at it, and you need data to do so. Judge Stutesman and Commissioner Lightner also commented on the wording of the first two sentences.

**Commissioner Hilson moved, supported by Commissioner Levine, to amend the proposed recommendation by deleting "to support" after "evidence exists" in the second sentence and adding "that suggests"; by deleting "abuse" after "an" in the second sentence and adding "inappropriate use"; by deleting "an" after "which lead to" in the second sentence; by adding "s" to the last word "consequence" in the second sentence; and by deleting "abused" after "is being" in the third sentence and adding "used appropriately". There was no further discussion. The motion prevailed, and the amendment was adopted by unanimous consent.**

<b>Yeas—12</b>	<b>Senator Caswell</b> <b>Representative Guerra</b> <b>Commissioner Hilson</b> <b>Commissioner Kaminski</b> <b>Commissioner Kubiak</b> <b>Commissioner Levine</b>	<b>Commissioner Lightner</b> <b>Commissioner Stelma</b> <b>Commissioner Strange</b> <b>Judge Stutesman</b> <b>Commissioner Verheek</b> <b>Judge Voet</b>
<b>Nays—0</b>		

**Commissioner Hilson moved, supported by Judge Voet, to adopt the recommendation as amended to read as follows:**

**Pre-trial detention practices and trends are being reviewed and evaluated on a national level. Nationally, evidence exists that suggests an inappropriate use of pre-trial detention as well as evidence where pre-trial detention should have been used but was not, which lead to unintended consequences. The Criminal Justice Policy Commission recommends to the legislature to review and evaluate the current bail/bond practices in the State of Michigan to assist in determining whether or not pre-trial detention is being used appropriately by our State Courts. One goal of this evaluation should be to make sure that pre-trial detention is being used to ensure that a defendant will appear at all court proceedings and to protect both public safety and victims. Another important goal of this evaluation should be to determine what factors courts are using to determine bail, whether courts are using the required factors the rules provide, and what if any of those factors need to be removed, modified, or added to ensure a defendant's right to a fair bond determination. The Commission recognizes that a universal method of collecting this data does not exist and that the important data points to help properly evaluate this system have not been identified. Therefore, the Commission recommends that the legislature either assist in putting in place a system to identify the pertinent data points and a universal mechanism to collect it or provide this Commission or like entity the resources to answer those questions.**

In response to a question raised by Commissioner Kubiak, Lori Schemke from the Supreme Court clarified that SCAO received additional funding and has started the groundwork to enhance the JDW with bond and failure to appear information. She noted that this recommendation complements their work very well and solidifies the message to the Legislature. Judge Stutesman added that Representative Runestad set up a task force on pre-trial detention, so the legislature is moving on this issue already.

**There was no further discussion. The motion prevailed and the recommendation was adopted by unanimous consent.**

<b>Yeas—12</b>	<b>Senator Caswell</b> <b>Representative Guerra</b> <b>Commissioner Hilson</b> <b>Commissioner Kaminski</b> <b>Commissioner Kubiak</b> <b>Commissioner Levine</b>	<b>Commissioner Lightner</b> <b>Commissioner Stelma</b> <b>Commissioner Strange</b> <b>Judge Stutesman</b> <b>Commissioner Verheek</b> <b>Judge Voet</b>
<b>Nays—0</b>		

#### **VII. Mental Health Subcommittee Update**

Commissioner Strange presented information on a policy that is being proposed by MDHSS that would have a significant impact on outpatient behavioral health services (see attached email for more details). She noted that letters of support are requested by August 9. The issue was discussed, but no action was taken.

#### **IV. Status Update of Recommendation to the Legislature for Uniform Jail Management System** **b. Priority List Update**

The Chair returned to this agenda item and called on Grady Bridges for an update. Mr. Bridges reported that he reviewed the MDOC data available in OMNI with Commissioner Kaminski and he will continue to aggregate and sort out which questions require quantitative evaluation as opposed to descriptive statistics. The ease of obtaining the data will also be included as a factor. Mr. Bridges indicated that he will be ready to discuss this with the Data Subcommittee at its next meeting.

**VIII. Commissioner Comments**

The Chair asked if there were any comments from the Commissioners.

**IX. Public Comments**

The Chair asked if there were any public comments. There were no public comments.

**X. Next CJPC Meeting Date**

The next CJPC meeting is scheduled for **Wednesday, September 6, 2017, at 9:00 a.m. in the Senate Appropriations Room, 3<sup>rd</sup> Floor of the State Capitol Building.**

**XI. Adjournment**

There was no further business. The Chair adjourned the meeting at 11:50 a.m.

*(Minutes approved at the September 6, 2017 CJPC meeting.)*

Michigan 17 Year Old Study  
Proposed List of Counties for Onsite Data Collection

Geographic Region	County	Method	Population Group
All	Kent	Mandatory	1
	Oakland	Mandatory	1
	Macomb	Mandatory	1
	Wayne	Mandatory	1
Upper Peninsula	Marquette	Survey	3
	Houghton	Random	3
	Dickinson	Random	4
	Menominee	Survey	4
	Iron	Survey	5
	Baraga	Random	5
Upper/Central Mitten	Midland	Survey	2
	Saginaw	Random	2
	Tuscola	Survey	3
	Ionia	Random	3
	Alpena	Survey	4
	Antrim	Random	4
	Benzie	Survey	5
	Missaukee	Random	5
Lower Mitten	Muskegon	Survey	2
	Washtenaw	Random	2
	Cass	Survey	3
	Branch	Random	3

**From:** Jennifer Strange [<mailto:JStrange@traversehcc.org>]  
**Sent:** Thursday, July 06, 2017 7:22 PM  
**To:** Senator Bruce E. Caswell <[bcaswell@frontier.com](mailto:bcaswell@frontier.com)>  
**Cc:** Susan Cavanagh <[SCavanagh@legislature.mi.gov](mailto:SCavanagh@legislature.mi.gov)>; Sarah Lightner <[slightner@co.jackson.mi.us](mailto:slightner@co.jackson.mi.us)>  
**Subject:** MDHHS Proposed Policy Draft: OP Behavioral Health Visit Limitations

Good evening, Chair Caswell:

The link below leads to a MDHHS notice of a proposed policy:

[https://content.govdelivery.com/attachments/MIDHHS/2017/07/06/file\\_attachments/842553/1714-MH-P.pdf](https://content.govdelivery.com/attachments/MIDHHS/2017/07/06/file_attachments/842553/1714-MH-P.pdf)

The proposed policy would be significant for outpatient behavioral health services, as it would remove the 20 visit cap for Medicaid patients:

"In order to provide greater access to care for behavioral health services, the Michigan Department of Health and Human Services (MDHHS) will remove the 20 visit maximum limitation for outpatient behavioral health services. The restriction is lifted for both fee-for-service and Medicaid Health Plan beneficiaries effective for dates of service on or after October 1, 2017."

The current 20 visit cap has been a barrier to Medicaid patients who would benefit from additional behavioral health service access and care.

This may be of interest to the rest of the Commission.

Additionally, if appropriate, the Mental Health subcommittee could draft a letter of support for the proposed change.

Respectfully,

Jenn Strange